

Exhibit 9

GRIEVANCE AND APPEALS

DC-804
Part 1COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONSFOR OFFICIAL USE
916677
GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR	FACILITY: SCI Fayette	DATE: 4-18-22
FROM: (INMATE NAME & NUMBER) Oracio Sanchez KB-8346	SIGNATURE OF INMATE: Sanchez	
WORK ASSIGNMENT: Library	HOUSING ASSIGNMENT: DB 33	
INSTRUCTIONS: 1. Refer to the DC-ADM 804 for procedures on the inmate grievance system. 2. State your grievance in Block A in a brief and understandable manner. 3. List in Block B any action you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted. A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages (one DC-804 form and one one-sided 8½" x 11" page). State all relief that you are seeking. This grievance is regarding the 2022 Passover meal being moved from 4/15/22 to 4/16/22. Continued on Attached Page		
B. List actions taken and staff you have contacted, before submitting this grievance.		

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Signature of Facility Grievance Coordinator

Date

WHITE Facility Grievance Coordinator Copy
GOLDEN ROD Inmate Copy

CANARY File Copy

PINK Action Return Copy

S.C.I. FAYETTE

DC-ADM 804, Inmate Grievance System Procedures Manual
Section 1 – Grievances & Initial ReviewIssued: 1/26/2016
Effective: 2/16/2016APR 20 2022
Attachment 1-A
SUPERINTENDENT ASSISTANT II

INITIAL GRIEVANCE

Inmate Name: Oracio Sanchez

Inmate No.: KR-8346

Housing Unit: DB-2033

Inmate Signature: 

Grievance No.: 976677

Date: April 18, 2022

On 4/14/22, I spoke to chaplain Lewis about the Passover meal and he informed me that he moved it from April 15, 2022, to April 16, 2022. When I asked him why, he informed me that he moved it because Jewish tradition prohibited the Jews from eating the meal on the 15th. I informed chaplain Lewis that we are two separate religions and that whatever the Jews do has nothing to do with us (Hebrew Israelites). He went on to tell me that it's the same feast, so it's going to be on the same day. I explained to him that we, Hebrew Israelites, cannot eat the Passover meal on any other day than the day of Passover and that we are not even permitted to save food for the next morning (the only exception is if I was not able to eat the Passover on the 14th day of the first Hebrew Month I can observe Passover on the 14th day of the second Hebrew Month, Iyyar.) see Deuteronomy 16:4; Exodus 12:10-11; Numbers 9:10-12. Chaplain Lewis then proceeded to force his religious beliefs upon me saying, "god is not going to punish you for eating the meal a day later. You are making god into something he is not." I pleaded with him to allow Hebrew Israelites to have the meal on the 15th. I quoted a scripture that shows we will be punished if it's not celebrated at its appointed time (see Numbers 9:10-13) to no avail. So I told him that I want a refund for the meal because I paid for the Passover meal after Lewis told me that it was going to be on the 15th. Not only did he himself tell me that the meal was going to be eaten on the 15th, but the 2022 Passover memo said it as well. Additionally, I informed chaplain Lewis that he is violating a settlement agreement that I reached with the DOC (that is legally binding upon him) in which Hebrew Israelites' Passover is to be **Separate** from the Jews. See **Exhibit 1, Pg. 2, Paragraph 3**. He told me he already reached his decision. Chaplain Lewis violated my 1st Amendment right to practice my religion when he moved the Passover date based on the tenets of **another religion**. Chaplain Lewis violated my 14th Amendment right to equal protection of the law when he allowed the Jews to dictate when they were going to eat their Passover but not the Hebrew Israelites. He also violated my 14th Amendment right to equal protection when he changed my religion's date of the Passover based on the tenets of the Jewish religion. No religion in the DOC has any say in what, when, where, or how another religion is going to observe their religion, no matter how similar they are. Chaplain Lewis is not providing me and other Hebrew Israelites this same protection. Furthermore, Chaplain Lewis violated my rights under the Religious Land Use and Institutionalized Persons Act. 42U.S.C. 2000 et seq. Lastly, Chaplain Lewis deliberately violated a settlement agreement I have with the DOC regarding Hebrew Israelites having separate Passover meals from the Jews.

RELIEF REQUESTED: 1) To be refunded for the Passover Meal that I was not able to eat because of Chaplain Lewis's deliberate indifference in moving it from the 15th to the 16th in the amount of \$18.28. I was originally charged \$23.28 but the Matzah was delivered to my cell on the 15th and is unrelated to the Passover meal. Matzah cost \$5.00. See Exhibit 2; **2)** Nominal, Compensatory, and punitive damages in the amount of \$10,000 in both his official and individual capacity for his deliberate indifference in the intentional emotional distress that he caused me in not allowing me to serve my creator, Yahweh, because of another religion; **3)** The complete separation of the Hebrew Israelites from the Jews. We are two separate religions and they should not have any say in what, when, where, or how, we, Hebrew Israelites, practice our religion. No other religion in the DOC has any say in what, when, where, or how another religion is going to observe their religion no matter how similar they are. We Hebrew Israelites should be afforded the same protection; **4)** Allow me to have the Passover meal on May 15, 2022.

**Initial Level Extension**

SCI Fayette
50 Overlook Dr
La Belle, PA, 15450-1050

05/12/2022 03:53

33

Inmate Name: SANCHEZ, ORACIO **DOC #:** KR8346
Facility: Fayette **Unit Location:** D/B
Grievance #: 976677

In accordance with the provisions of DC-ADM 804, Inmate Grievance System policy, this notification provides notice that staff requires an extension for responding to your grievance.

Action:

Notice of Staff Extension - This serves as written notification that an extension is necessary in order to appropriately investigate and respond to your grievance (or appeal). Staff has been authorized to extend the response time by 10 additional working days.

Comments:**Signature:***R. House***Name:**

R. House

Title:

Facility Grievance Coordinator

Date:

5-12-22

cc: Facility Grievance Coordinator
DC-15



Initial Review Response

SCI Fayette
50 Overlook Dr
La Belle, PA, 15450-1050

05/17/2022 02:53

Inmate Name:	SANCHEZ, ORACIO	DOC #:	KR8346
Facility:	Fayette	Unit Location:	D/B 2033
Grievance #:	976677		

This serves to acknowledge receipt of your grievance to the assigned Grievance Officer. The response is as follows:

Decision: Grievance Denied

It is the decision of this Grievance Officer to uphold, deny, or uphold in part/deny in part the inmate's initial grievance. This response will include a brief rationale, a summary of the conclusion, any action taken to resolve the issue(s) raised in the grievance, and the relief sought.

Response:

Inmate Sanchez complains that CPD Lewis violated his rights as a Hebrew Israelite by having Passover on Saturday (April 16) instead of Friday (April 15) and by having the Passover celebration for the Hebrew Israelites and the Jews in the same room at different tables.

In accordance with the memo from Central Office dated January 27, 2022, all inmates who are formally registered in the Unit Management System as Jewish (no subcategory), Jewish Orthodox / Conservative Reform, Jewish Black Jew / Hebrew Israelite, Christian- OTHER Assembly Yahweh, Christian- OTHER house of Yahweh or Christian- OTHER Messianic. The numbers for participation were due to the Dietary Supervisor by February 25, 2022 so that an estimate could be provided to Food Service personnel at Central Office.

Additionally, in accordance with the memo, A Jewish Ceremonial Seder will be celebrated at nightfall on each of the first two nights of Passover. These Seders are open to all inmates who are all formally as outlined above. It also states that if an institution has accommodated regular separate communal gatherings for inmates who identify with non-Traditional Jewish expressions of faith, inmates who identify as such may gather for one separate Seder, provided a Chaplain or approved Faith Group Leader is available. This was not the case as the Chaplaincy Department has been working short-staffed for quite some time.

Also, in accordance with the memo, one full Seder meal takes place at nightfall and can be served on either the first or the second night of Passover. Passover started on April 15, 2022 and the Ceremonial Seder took place in Program Services under the supervision of Chaplaincy Program Director Lewis. The Passover Meal was scheduled in the Dining Hall on April 16, 2022 and took place under the supervision of Chaplaincy Program Director Lewis. SCI-Fayette staff followed the direction put out by Central Office.

Based on the above information, this grievance is denied in its entirety.

Signature:	<i>D. Hawkinberry</i>
Name:	D. Hawkinberry
Title:	CCPM
Approver:	L. Allen
Date:	5-17-2022

DC-ADM 804, Inmate Grievance System Procedures Manual

S.C.I. FAYETTE

Section 1 - Grievances & Initial Review, Attachment 1-D

Issued: 1/26/2016, Effective: 2/16/2016

KR8346 Grievance #: 976677

MAY 18 2022

SANCHEZ, ORACIO

SUPERINTENDENT ASSISTANT

Page 2 of 2



Initial Review Response

SCI Fayette
50 Overlook Dr
La Belle, PA, 15450-1050

05/17/2022 02:53

CC: Facility Grievance Coordinator
DC-15

DC-ADM 804, Inmate Grievance System Procedures Manual

S.C.I. FAYETTE

Section 1 - Grievances & Initial Review, Attachment 1-D

Issued: 1/26/2016, Effective: 2/16/2016
MAY 18 2022

KR8346 Grievance #:976677

SANCHEZ, ORACIO

SUPERINTENDENT ASSISTANT II

SCI
APPEAL TO FACILITY MANAGER
GRIEVANCE

Inmate Number	NAME	HOUSING UNIT	DATE	GRIEVANCE#
Kr-8346	Oracio Sanchez	DB-2033	5/25/22	976677

I received my initial response from the Grievance Office/Coordinator on 5/19/22 and have the following appeal issues.

Refer to DC-ADM 804, Grievance Appeal Procedures, for complete instructions.

Please provide a BRIEF (no longer than two pages) appeal statement.

see attached page

see attached page

INMATE SIGNATURE: *Sanchez*

GRIEVANCE APPEAL TO FACILITY MANAGER

Inmate Name: Oracio Sanchez
Inmate No.: KR-8346
Housing Unit: DB-2033

Inmate Signature: *Sanchez*
Grievance No.: 976677
Date: May 25, 2022

Continuation of Grievance:

The grievance officer's response is wholly frivolous. Ms. Hawkinberry did not conduct any investigation into my grievance. She did not address anything I raised in my initial grievance. She took the grievance officer, T. Walker's, response to inmate Ian Robinson's CM-6451 grievance (No. 977958) and quoted it word for word with the exception of the second to last paragraph which was about her.

In a nutshell my grievance was about Chaplain Lewis moving the Passover meal from April 15, 2022, to April 16, 2022, based on the tenets of another (Jewish) religion. FCPD Lewis told me that Passover was moved to the 16th because Jewish tradition prohibited them (Jews) from eating the Passover meal on the 15th in which I told him that we are two separate religions; what the Jews do has nothing to do with us (Hebrew Israelites). That he is violating a settlement agreement I HAVE with the DOC regarding Passover (A copy was attached to initial grievance). The settlement agreement states at page 2 paragraph 3 that Hebrew Israelites are to have a separate Passover meal from the Jews.

Not only did chaplain lewis violate the settlement agreement but also violating my rights under the 1st and 14th Amendments to the U.S. Constitution. As well as RLUIPA laws 42 U.S.C. §2000cc et. Seq.

I'm not grieving that the Passover meal was eaten in the same room at different tables.

Whether they were in the same room at different tables or not has no bearing on the issue at hand. Moreover, I do not know what the second paragraph is about. I did not allege that there were not enough Jews to participate in the Passover as is required by DOC Policy.

Furthermore, Ms. Hawkinberry claims that separate Passover meals could not be had because of a shortage of chaplaincy staff. This is false. A shortage of staff is not the reason the Passover meal was moved from April 15, 2022 to April 16, 2022. Chaplain Lewis was here on the night of April 15, 2022, and conducted the Ceremonial Seder at Program Services, as stated by Ms. Hawkinberry. Ergo, the Passover meal could have been had on April 15, 2022, but they decided to move it to the 16th because of Jewish tradition.

I therefore ask that all relief be granted.

CC: file



Facility Manager's Appeal Response

SCI Fayette
50 Overlook Dr
La Belle, PA, 15450-1050

06/03/2022 11:56

Inmate Name: SANCHEZ, ORACIO DOC #: KR8346
Facility: Fayette Unit Location: D/B 2033
Grievance #: 976677

This serves to acknowledge receipt of your grievance appeal to the Facility Manager for the grievance noted above. In accordance with the provisions of DC-ADM 804, "Inmate Grievance System Policy", the following response is being provided based on a review of the entire record of this grievance. The review included your initial grievance, the Grievance Officer's response, your appeal to me and any other documents submitted.

Decision: Uphold Response

It is the decision of this Facility Manager to uphold the initial response, uphold the inmate, dismiss, or Uphold in part/Deny in part. This response will include a brief rationale, summarizing the conclusion, any action taken to resolve the issue(s) raised in the grievance and your appeal and relief sought.

Response:

After careful evaluation of this grievance it has been determined the actions and the response, by the investigating officer, will be upheld. CCPM Hawkinberry was correct when she indicated, per the memo from Central Office dated 1-27-22, the Passover meal could be served on April 15th or 16th. The information under the heading of **Scheduling a Full Seder Meal** reads: "One full Seder Meal takes place at nightfall and can be served on either the first OR the second night of Passover" and "If a Ceremonial Seder and Full Seder Meal cannot be observed at the traditional time, the Rabbi/Jewish Chaplain, CPD and CFMS will determine when these observation will take place". As one can see as CPD, Chaplain Lewis had the authority to schedule the meal when he did based on institutional needs. None of your rights have been violated. You claim in your appeal the response another inmate received is the same as yours. That is because the issue was the same, the day the meal was served. The reason CCPM Hawkinberry informed you the number of participants for the Passover meal had to be provided to the Dietary Supervisor by 2-25-22, was because for relief you requested a refund, which she denied. It has been determined the statements made by staff are credible.

Based on the above information, your appeal and requested relief are denied.

Signature:

Name

E. Armel

Title:

Facility Manager

Date:

6-6-22

CC: DC-15
File

DC-ADM 804, Inmate Grievance System Procedures Manual

Section 2 - Appeals, Attachment 2-B

Issued: 1/26/2016 Effective: 2/16/2016

KR8346 Grievance #: 976677

SANCHEZ, ORACIO

Page1 of 1

For Extra Weight

SCI FAYETTE Postage Slip

To: SOIGA DOC

Address: 1920 Technology Parkway

City: Mechanicsburg State: PA

Zip Code: 17050 Date: 6/20/22

Mark an (x) for the service requested

First Class – Letters, Flats, Parcels not over 13 oz. ()

Priority Mail – Letters, Flats, Parcels ()

*Express Mail (Overnight) – Letters, Flats ()

Media Mail – Hard Bound Books, CD's, Videos ()

– Subject to Inspection by the Postal Service

Airmail (Overseas) ()

EXTRA SERVICES

– The form(s) you check for any extra services must be on the envelope before being sent to the mailroom.

*Certified Mail – First class/Priority only ()

Return Receipt – (with Certified) only ()

Certificate of Mailing ()

*Traceable through www.usps.com or 1-800-222-1811

Inmate Signature [Signature]

Housing Unit DB33 DOC No. KR-8346

Unit Stamp or Witness Signature Bagan COI

Revised: 3/2021

"ID Verified"

Encl. in same Appeal for grievance regarding denial of grievance issuer memo
in Hebrew Issues with Violating Settlement agreement.

1056

6/21/22

Inmate Appeal to Final Review**GRIEVANCE**

INMATE NUMBER	NAME	FACILITY	DATE	GRIEVANCE#
KR-8346	Oracio Sanchez	Fayette	6/16/20	976677

I received my appeal from the Superintendent on 6/7/22 and have the following appeal issues.

Refer to DC-ADM 804, Grievance Appeal Procedures, for complete instructions. Appeals must relate to the issue presented in the initial grievance and 1st level appeal.


Please provide a BRIEF (no longer than two pages) appeal statement.

See attached Page

INMATE SIGNATURE: Sanchez

FINAL GRIEVANCE APPEAL

Inmate Name: Oracio Sanchez
Inmate No.: KR-8346
Facility: SCI Fayette

Inmate Signature: 
Grievance No.: 976677
Date: June 16, 2022

CONTINUATION OF GRIEVANCE:

The facility manager upheld the denial of my grievance alleging that CPD Lewis did not violate my rights because the memo from central office gave him the authority to decide whether to serve the meal on the 15th or 16th based on institutional needs. The only need is the constant need to accommodate the Jews. Not only did Lewis violate my rights but the memo does as well. Because they forced me to celebrate Passover according to Jewish law (which is contrary to Hebrew Israelite beliefs) OR not celebrate Passover at all (which I did not), both are sins according to Hebrew Israelite beliefs, either way I was screwed. This violated the settlement agreement I had with the DOC in which Hebrew Israelites are to have a separate Passover meal from the Jews. **No one has addressed how this settlement agreement has been violated.** I was supposed to have Passover Separate from the Jews. There was no separation! This also violated my 1st amendment right to practice my religion and my 14th amendment right to equal protection of the law, and RLUIPA law.

Furthermore, Facility Manager states that the reason Mrs. Hawkinberry's Initial Review Response was the same response Ms. Walker gave to another inmate (Ian Robinson CM-6451) a week earlier "is because the issue was the same, the day the meal was served." While the issue might have been similar (moving the Hebrew Israelite Passover from the 15th to the 16th) our arguments differ. My argument is that not only did Lewis violate my Constitutional rights he also violated a settlement agreement I have with the DOC that Hebrew Israelites are to have a separate Passover meal from the Jews which Mrs. Hawkinberry did not address. What the Facility manager is essentially saying is that there is a data base for appointed grievance officers to locate responses from previous grievance officers and send them to grievants without conducting their own independant investigation to the issue and argument presented by that particular grievant. This subverts DOC policy by superficially appointing grievance officers when all they have to do is find a response in their data base and send that to the grievant.